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Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

12 Cr. 876 (ALC)

5 PAUL CEGLIA,

6 Defendant.

7 -----x

8 New York, New York

9 May 6, 2014

10:15 a.m.

10 Before:

11 HON. ANDREW L. CARTER, JR.,

12 District Judge

13 APPEARANCES

14 PREET BHARARA

15 United States Attorney for the

16 Southern District of New York

17 BY: CHRISTOPHER FREY

Assistant United States Attorney

18 DAVID E. PATTON

19 ANNALISA MIRON

Attorneys for Defendant

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1 (In open court)

2 (Case called)

3 MR. FREY: Good morning, your Honor. Christopher Frey
4 for the government.

5 THE COURT: Good morning.

6 MR. PATTON: Good morning, your Honor. David Patton
7 and Annalisa Mirón for Mr. Ceglia. As the Court has permitted,
8 Mr. Ceglia will not be present for today, and we waive his
9 appearance.

10 THE COURT: OK. Where are we as of today? I think
11 the last time we were here defense counsel was contemplating
12 whether or not he wished to file motions. Where are we?

13 MR. PATTON: Your Honor in terms of the traditional
14 pretrial motions, the two that we are contemplating at this
15 point, one would have to do with some discovery issues that we
16 are still discussing with the government, so we may not need to
17 file anything. But what I might possibly envision is a bill of
18 particulars if we are not able to work out something
19 informally.

20 Then, secondly, we're still considering the
21 possibility of a motion to suppress. I don't think it would be
22 a dispositive motion. It would be for certain aspects of the
23 evidence in the case. For those motions I would ask if we
24 could have two weeks from this Friday, May 23, to be able to
25 file those, if we have any to file.

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1 There is the separate issue under the in limine
2 category, but I think they are perhaps more extensive than
3 maybe just the typical in limine motions, including possible
4 Daubert motions. We're still in the process of retaining
5 experts, both to perhaps present expert testimony, but also
6 examining the government's expert witnesses. They have
7 proffered two possible witnesses at this point, one having to
8 do with computer forensics, the other having to do with
9 examination of the contract itself by the U.S. Postal Service.

10 I expect we will have experts in place in the next
11 month or two, but I guess in terms of the possible Daubert
12 motions, if we could either set something closer to trial or
13 wait to see where we are a little bit further down the road. I
14 have had some discussions with Mr. Frey about setting a
15 possible trial date in the fall, if the Court is amenable,
16 which would give us time.

17 In addition to identifying our expert witnesses, we
18 are continuing the factual investigation which could also have
19 implications for what the experts might testify to. For
20 instance, we are likely in the short term going to issue some
21 subpoenas for material relevant to the time period in issue,
22 around 2003, 2004. It's possible that some of that material
23 would need to be examined by experts.

24 So I apologize for not having a more defined set
25 period for anything relating to the experts, but we are still

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1 in the process of putting that together. I think if we did
2 have a fall trial date, we would have time to schedule those
3 things between now and then, or we could schedule them
4 separately obviously, whatever the Court's preference.

5 THE COURT: Counsel for the government, anything to
6 add?

7 MR. FREY: No, your Honor.

8 THE COURT: How long do the parties anticipate this
9 trial would be?

10 MR. FREY: From the government's perspective, its case
11 would be approximately one and a half, just under two weeks I
12 would imagine.

13 THE COURT: Defense counsel?

14 MR. PATTON: My guess, your Honor, is that it would be
15 no more than a week.

16 THE COURT: For a trial date are the parties available
17 November 17? We would obviously need to take a couple of days
18 off during that time for the Thanksgiving break. Are the
19 parties available starting November 17?

20 MR. FREY: Yes, your Honor.

21 MR. PATTON: Yes, your Honor.

22 THE COURT: So let's set the trial date for November
23 17. Regarding the motions, we'll give defense counsel until
24 May 23 to file motions. We'll give the government two weeks to
25 respond. Is that enough time for the government?

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1 MR. FREY: Yes, your Honor.

2 THE COURT: So that would take us to June 6 for the
3 government to respond.

4 Let's have a status conference date to check in and
5 see where we are around the middle of June.

6 Monday, June 23 at 10 a.m. Does that work for the
7 parties?

8 MR. FREY: Yes, your Honor.

9 MR. PATTON: Yes, your Honor.

10 THE COURT: Again, since defense motions are being
11 contemplated, I believe it's in the interest of justice and the
12 interest of Mr. Ceglia to exclude this time under the Speedy
13 Trial Act. In addition, as I've previously noted, due to the
14 nature of the discovery in this case, this is a complex case, I
15 further find that the interest of Mr. Ceglia and the interest
16 of justice outweigh the public's interest in a speedy trial,
17 and I will enter an order to that effect excluding the time
18 under the Speedy Trial Act from today's date until June 23.

19 Anything else from the government today?

20 MR. FREY: Not from the government, your Honor.

21 THE COURT: Anything else from the defense?

22 MR. PATTON: No, your Honor. Thank you.

23 THE COURT: All right. Thank you very much.

24 (Adjourned)